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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 MARSHA R. DEVANEY, on behalf of herself
and all others similarly situated,

9
10 Plaintiff,

11 vs.

12 DELTA AIR LINES, INC. and THE
ADMINISTRATIVE COMMITTEE OF
13 DELTA AIR LINES, INC.,

14 Defendants.

Case No. 2:21-cv-02186-RFB-EJY

STIPULATION AND ORDER TO
EXTEND REMAINING DEADLINES
(Second Request)

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16 Plaintiff, Marsha DeVaney and Defendants Delta Air Lines, Inc. (“Delta”) and the
17 Administrative Committee of Delta Air Lines, Inc. (collectively, “Defendants”), by and through
18 their counsel of record, respectfully requests that the Court extend the remaining deadlines
19 (related to expert discovery and class certification briefing) in the Court’s existing Scheduling
20 Order (ECF No. 75) by approximately 60 days. As set forth below, the Parties request this
21 modification due to Plaintiff’s pending Motion to Compel (ECF No. 78), the outcome of which is
22 anticipated to affect expert discovery and class certification briefing in this action.

23
24 This is the Parties’ second request to extend these deadlines.

25 **BACKGROUND**

26 1. On December 10, 2021, Plaintiff filed her Class Action Complaint, alleging
27 violations of the Employee Retirement Income Security Act of 1974 (ECF No. 1).
28

1 2. On March 1, 2022, Defendants filed a motion seeking to transfer venue (ECF No.
2 23), which the Court denied on February 1, 2023 (ECF No. 30).

3 3. On February 24, 2023, Defendants filed a motion to dismiss the Complaint (ECF
4 No. 34), which was fully briefed on March 31, 2023 (ECF Nos. 39, 40).

5 4. On April 27, 2023, the parties filed the first Proposed Joint Discovery Plan and
6 Scheduling Order (ECF No. 42), which the Court granted later that day (ECF No. 43).

7 5. On May 4, 2023, Defendants filed their Motion to Stay Discovery During the
8 Pendency of Defendants' Motion to Dismiss ("**Motion to Stay**"), which was fully briefed on May
9 25, 2023 (ECF Nos. 53, 54).

10 6. The Court granted the Motion to Stay on July 28, 2023, and ordered the parties to
11 submit a joint proposed discovery plan and scheduling order within 21 days after the Court ruled
12 on the motion to dismiss (ECF No. 58).

13 7. A motion hearing on the Motion to Dismiss was held on September 7, 2023, at
14 which the Court denied the Motion for the reasons stated on the record (ECF No. 60).

15 8. On September 27, 2023, the parties filed a Proposed Joint Discovery Plan and
16 Scheduling Order (ECF No. 63), which the Court granted later that day (ECF No. 64).

17 9. On July 31, 2024, the parties filed a Stipulation and Order to Extend Remaining
18 Deadlines (ECF No. 74), which the Court granted later that day (ECF No. 74) ("**Second**
19 **Scheduling Order**").

20 10. On December 16, 2024, Plaintiff file her Motion to Compel the production of the
21 data that Plaintiff believes is needed to calculate the monthly amount of a single life annuity
22 offered to participants as of their benefit commencement dates ("**SLA at BCD**") (ECF No. 78).
23 Delta has opposed Plaintiff's Motion to Compel (ECF No. 81), which was fully briefed as of
24 January 27, 2025 (ECF No. 85).
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27
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11. Subject to the Court's resolution of Plaintiff's Motion to Compel (ECF No. 78), the parties have completed discovery cooperatively and in good faith. The parties have each propounded and responded to discovery requests and interrogatories. Each party has produced documents in response to document requests. Defendants took the deposition of the named Plaintiff, Marsha DeVaney and Plaintiff took the depositions of the corporate designees of Delta, Willis Towers Watson (Delta's actuary), and Conduent (Delta's recordkeeper).

12. Plaintiff has retained an actuary ("Actuary") to provide expert testimony in this action.

13. If the Court grants the Motion to Compel and orders the production of the SLA at BCD, Conduent will need time to collect and produce the SLA at BCD. Conduent estimates this will take approximately 355 hours. The Actuary will then need time to incorporate that data into his analysis.

14. On the other hand, if the Court denies the Motion to Compel, the Actuary will need time to develop and test a method to estimate the SLA at BCD for each class member.

15. Alternatively, if the Court orders the parties to work together in good faith to develop and test a method to estimate the SLA at BCD, that will also require additional time.

WHEREFORE, the Parties stipulate and respectfully request that the Court grant this stipulation extending the remaining deadlines by approximately 60 days and set the following proposed deadlines in this action:

Event	Current Deadlines	Proposed Deadlines
Disclose plaintiff's expert witnesses	Mon, 3/31/25	Fri, 5/30/25
Disclose defendants' expert witnesses	Wed, 4/30/25	Mon, 6/30/25
File class certification motion	Wed, 4/30/25	Mon, 6/30/25
File opposition to class certification motion	Mon, 6/16/25	Fri, 8/15/25

Disclose plaintiff's rebuttal expert witnesses	Wed, 7/16/25	Mon, 9/15/25
File reply supporting class certification motion	Wed, 7/16/25	Mon, 9/15/25
Complete expert discovery	Mon, 8/18/25	Fri, 10/17/25
File dispositive motions	30 days after ruling on class certification motion	Unchanged
File opposition to dispositive motion	30 days after filing of motion	Unchanged
File reply supporting dispositive motion	21 days after filing of opposition	Unchanged
File the Pre-Trial Order, Daubert motions, and motions in limine shall	30 days after the deadline for filing dispositive motions, if no dispositive motions are pending at that time; otherwise, the deadline shall be 30 days after the Court rules on all pending dispositive motions.	Unchanged

1 DATED: March 18, 2025

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IT IS SO ORDERED.


U.S. MAGISTRATE JUDGE

Date: March 18, 2025